

APPEAL NO. 041818
FILED SEPTEMBER 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 24, 2004. With respect to the sole issue before him, the hearing officer determined that the appellant's (claimant) _____, compensable injury does not extend to or include the diagnoses of right carpal tunnel syndrome or reflex sympathetic dystrophy of the right upper extremity. In her appeal, the claimant challenges those determinations as being against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

On appeal, the claimant appears to complain that the hearing officer both went outside of the record in reaching his determination and improperly gave the opinion of a designated doctor appointed to determine maximum medical improvement and impairment rating presumptive weight regarding the extent-of-injury issue. We find no evidence to support either assertion, and note that while the designated doctor's opinion on extent of injury is not entitled to presumptive weight in this case, it is certainly a medical opinion the hearing officer may consider.

What remains is a sufficiency of the evidence appeal. We have reviewed the complained-of determinations and conclude that the extent-of-injury issue involved a factual question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Veronica L. Ruberto
Appeals Judge